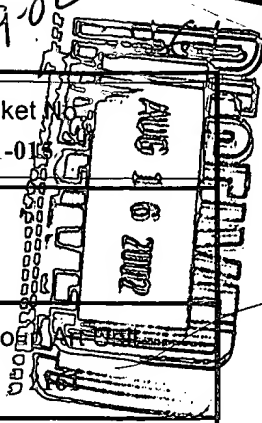


#5 us 8-19-02



**TRANSMITTAL LETTER  
(General - Patent Pending)**

Docket  
01-015

In Re Application Of: **WALKER et al.**

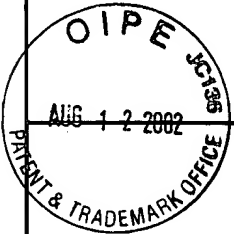
Serial No.  
09/858,458

Filing Date  
May 16, 2001

Examiner  
Not Yet Assigned

Group

Title: **METHOD AND APPARATUS FOR SELLING AN AGING FOOD PRODUCT**



TO THE ASSISTANT COMMISSIONER FOR PATENTS:

Transmitted herewith is:

**Supplemental Information Disclosure Statement (5 pp.);  
PTO Form-1449 (5 pp.) and references cited therein (29); and  
Return Receipt Postcard.**

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in the above identified application.

- ☒ No additional fee is required.
- ☐ A check in the amount of \_\_\_\_\_ is attached.
- ☒ The Assistant Commissioner is hereby authorized to charge and credit Deposit Account No. **50-0271** as described below. A duplicate copy of this sheet is enclosed.
- ☐ Charge the amount of \_\_\_\_\_
- ☒ Credit any overpayment.
- ☒ Charge any additional fee required.

Signature

Dated: **August 9, 2002**

**Dean P. Alderucci  
Attorney for Applicants  
PTO Registration No. 40,484  
(203) 461-7337/phone  
(203) 461-7300/fax**

Customer No. 22927

cc: **Alderucci@walkerdigital.com**

I certify that this document and fee is being deposited on August 9, 2002 with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Signature of Person Mailing Correspondence

**Michael D. Brinton**

Typed or Printed Name of Person Mailing Correspondence

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: WALKER et al.

Serial No.: 09/858,458

Filing Date: May 16, 2001

For: METHOD AND APPARATUS FOR  
SELLING AN AGING FOOD PRODUCT

) Examiner: Not Yet Assigned

) Group Art Unit: 2161

) Attorney Docket No: 01-015

) Customer No.: 22927



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## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as priority mail in an envelope with sufficient postage and addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on August 9, 2002.

Dated: 08/09/02 By:

  
Michael D. BrintonAssistant Commissioner for Patents  
Washington, D.C. 20231

## SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Sir:

Applicants submit herewith patents, publications or other information of which they are aware that they believe may be material to the examination of this application, and in respect of which, there may be a duty to disclose.

The filing of this information disclosure statement shall not be construed as a representation that a thorough search has been made, an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists. Nor shall the filing of this information disclosure statement be construed as an admission against interest in any manner.

This Information Disclosure Statement is filed in accordance with 37 C.F.R. §§1.56, 1.97 and 1.98. The items listed on the accompanying Form PTO-1449 may be deemed to be pertinent to the above-identified application and are made of record to assist the Patent and Trademark

Office in its examination of this application. The Examiner is respectfully requested to fully consider the items listed on the enclosed copy of Form PTO-1449 and to independently ascertain their teaching.

1. ☐ Applicants respectfully direct the Examiner's attention to the pending U.S. patent applications listed on the enclosed Form PTO-1449. The Examiner is respectfully requested to fully consider and independently ascertain the teachings and relevance of those applications with respect to the instant application. Applicants would be pleased to provide the Examiner with a copy of these applications upon request.
2. ☐ For each of the items listed on the enclosed copy of Form PTO-1449 that is not in the English language, a European Search Report from a counterpart European application is enclosed. Such items are marked as reference letter(s): \_\_\_\_\_.
3. ☐ For each of the items listed on the enclosed copy of Form PTO-1449 that is not in the English language, a concise explanation of the relevance of that item is incorporated in the specification of the above-identified application. Such items are marked as reference letter(s): \_\_\_\_\_.
4. ☒ No fee is believed to be due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with:
  - ☐ 37 C.F.R. §1.97(b)(1), within three months of the filing date of the above-identified application.
  - ☐ 37 C.F.R. §1.97(b)(2), within three months of the date of entry into the national stage as set forth in §1.491.
  - ☒ 37 C.F.R. §1.97(b)(3), before the mailing date of a first Office Action on the merits.

5. [ ] No fee is believed to be due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. 1.97(c), after the period specified in paragraph 4 above but before the mailing date of a final action or a Notice of Allowance (where there has been no prior final action), and is accompanied by one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 9 below.
6. [ ] A fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(c) after the period specified in paragraph 4 above but before the mailing date of a final action or a Notice of Allowance (where there has been no prior final action). The fee due under 37 C.F.R. §1.17(p) is to be paid as set forth in paragraph 10 below.
7. [ ] A fee is due under 37 C.F.R. §1.17(i)(1) for this Information Disclosure Statement since it is being filed in accordance with 37 C.F.R. §1.97(d), after the mailing date of a final action or a Notice of Allowance, but before the payment of the issue fee, and is accompanied by:
- a. one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 9 below; and
  - b. this document is to be considered as a petition requesting consideration of the information disclosure statement.
  - c. the fee due under 37 C.F.R. §1.17(i)(1) which is paid as set forth in paragraph 10 below.
8. [ ] A fee is due under 37 C.F.R. §1.17(i)(1) for this Information Disclosure Statement since it is being filed in compliance with:

- ☐ 37 C.F.R. §1.313(b)(3), after the issue fee has been paid and information cited in this Information Disclosure Statement may render at least one claim unpatentable and is accompanied by the attached Petition to Withdraw Application from Issue;
- ☐ 37 C.F.R. §1.313(b)(5), after the issue fee has been paid and information cited in this Information Disclosure Statement is to be considered in a Continuation application upon abandonment of the instant application and is accompanied by the attached Petition to Withdraw Application from Issue.

9. ☐ I hereby certify:

- ☐ that each item of information contained in the items listed on the enclosed copy of Form PTO-1449 was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. A copy of such communication is enclosed.
- ☐ that no item of information contained or listed on the enclosed copy of Form PTO-1449 was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the undersigned after making reasonable inquiry, no item of information was known to any individual designated in §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

10. ☐ Please accept payment of the fees due as indicated below:

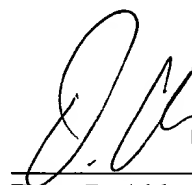
- ☐ A check in the amount of \$180.00 is enclosed in payment of the fee due under 37 C.F.R. 1.17(p).
- ☐ The Commissioner is hereby authorized to charge \$180.00 to Deposit Account No. 50-0271 in payment of the fee due under 37 C.F.R. §1.17(p).

11. [X] The Commissioner is hereby authorized to charge any additional fees which may be required for this Information Disclosure Statement, or credit any overpayment to Deposit Account No. 50-0271. A copy of this authorization is attached.

12. [ ] No fee is believed to be due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed concurrently with a Request for Continued Examination.

Respectfully submitted,

August 9, 2002  
Date



---

Dean P. Alderucci  
Attorney for Applicants  
Registration No. 40,484  
Alderucci@WalkerDigital.com  
Walker Digital, LLC  
Five High Ridge Park  
Stamford, CT 06905  
(203) 461-7337/phone  
(203) 461-7300/fax



## INFORMATION DISCLOSURE CITATION

Docket Number

01-015

Serial Number

09/858,458

Applicants

WALKER et al.

Filing Date

May 16, 2001

Group 3600

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## U.S. PATENT DOCUMENTS

EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE IF APPROPRIAT E
	A	4,876,592	10/24/89	Von Kohorn	358	84	
	B	4,902,880	02/20/90	Garczynski et al.	235	375	
	C	5,025,372	06/18/91	Burton et al.	364	406	
	D	5,256,863	10/26/93	Ferguson et al.	235	383	
	E	5,297,026	03/22/94	Hoffman	364	408	
	F	5,305,195	04/19/94	Murphy	364	401	
	G	5,371,796	12/06/94	Avarne	380	23	
	H	5,398,932	03/21/95	Eberhardt et al.	273	138 A	
	I	5,539,189	07/23/96	Wilson	235	379	
	J	5,564,546	10/15/96	Molbak et al.	194	216	
	K	5,619,558	04/08/97	Jheeta	379	90	

## FOREIGN PATENT DOCUMENTS

	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	Translation	
							Yes	No
	L	0 085 546 A2	08/10/83	Europe				
	M	0 109 189 A1	05/23/84	Europe				

## OTHER DOCUMENTS (Including author, Title, Date, Pertinent Pages, Etc.)

	N	Brochure: "Reaching Out In New Directions", First Data Corporation, Merchant Services, undated.
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EXAMINER

DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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**GROUP 3600****U.S. PATENT DOCUMENTS**

EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE IF APPROPRIAT E
	O	5,621,812	04/15/97	Deaton et al.	382	100	
	P	5,638,457	06/10/97	Deaton et al.	382	100	
	Q	5,642,484	06/24/97	Harrison, III et al.	395	214	
	R	5,642,485	06/24/97	Deaton et al.	395	214	
	S	5,644,723	07/01/97	Deaton et al.	395	214	
	T	5,649,114	07/15/97	Deaton et al.	395	214	
	U	5,652,421	07/29/97	Veeneman et al.	235	381	
	V	5,655,007	08/05/97	McAllister	379	91.01	
	W	5,687,322	11/11/97	Deaton et al.	395	214	
	X	5,832,457	11/03/98	O'Brien et al.	705	14	
	Y	5,845,259	12/01/98	West et al.	705	14	

**FOREIGN PATENT DOCUMENTS**

	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	Translation	
							Yes	No
	Z	WO 96/36926	11/21/96	PCT				
	AA	WO 97/28510	08/07/97	PCT				

**OTHER DOCUMENTS (Including author, Title, Date, Pertinent Pages, Etc.)**

	BB	Jones, Jeanne, "Data Readers Streamline Management; Scanner Technology Aids Retailers As Well as Plants, Wholesalers", The Houston Post, June 26, 1994, Section: Business, pg. D1.
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EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE IF APPROPRIAT E
	CC	5,890,718	04/06/99	Byon	273	459	
	DD	5,946,665	08/31/99	Suzuki et al.	705	26	
	EE	5,999,914	12/07/99	Blinn et al.	705	26	
	FF	6,014,634	01/11/00	Scroggie et al.	705	14	
	GG	6,064,987	05/16/00	Walker et al.	705	38	
	HH	6,070,147	05/30/00	Harms et al.	705	14	
	II	6,088,682	07/11/00	Burke	705	17	
	JJ	6,112,191	08/29/00	Burke	705	41	
	KK	6,119,099	09/12/00	Walker et al.	705	16	
	LL	6,138,105	10/24/00	Walker et al.	705	10	
	MM	US 6,223,163 B1	04/24/01	Van Luchene	705	1	

**FOREIGN PATENT DOCUMENTS**

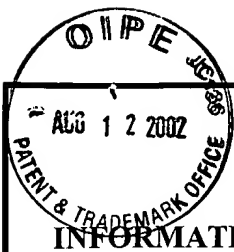
	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	Translation	
							Yes	No

**OTHER DOCUMENTS (Including author, Title, Date, Pertinent Pages, Etc.)**

	NN	McKinney, Jeff, "Merchant program could pay off for Provident", The Cincinnati Enquirer, March 24, 1996, Section: Financial, pg. E02.
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**EXAMINER****DATE CONSIDERED:**

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EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE IF APPROPRIAT E
	OO	US 6,267,670 B1	07/31/01	Walker et al.	463	17	
	PP	US 6,298,329 B1	10/02/01	Walker et al.	705	14	
	QQ	US 6,298,331 B1	10/02/01	Walker et al.	705	15	

**FOREIGN PATENT DOCUMENTS**

	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	Translation	
							Yes	No

**OTHER DOCUMENTS (Including author, Title, Date, Pertinent Pages, Etc.)**

	RR	"BIGGER PLANS", Card Fax, October 7, 1996, Vol. 96, No. 178, pg. 2.
	SS	Fickenscher, Lisa, "Amex to Start Free Rewards Program with Discounts on Merchandise", The American Banker, October 18, 1996, Section: Credit/Debit/ATMs, pg. 10.
	TT	Fitzgerald, Kate, "Amex Program Moves Loyalty to Next Level: Custom Extras Finds a Medium Customers Can't Ignore: Billing Statements", Advertising Age, November 4, 1996, Section: News, pg. 2.
	UU	Quittner, Jeremy, "Ohio's Provident brings its discount card to Fla.", American Banker, February 11, 1997, Vol. 162, Issue 28, pg. 11, 1/3 pg, ISSN: 0002-7561.
	VV	Symons, Allene, "Lucky, Sav-on debut Rewards Card.", Drug Store News, February 17, 1997, Vol. 19, Issue 4, pg. 3, 2p., 1c, ISSN: 0191-7587.

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WW

Mckeveny, Alexander, "Giving them a good reason", Bank Marketing, March 1997, Vol. 29, Issue 3, pg. 37, 4p. 4c, ISSN: 0888-3149.

XX

Fickenscher, Lisa, "Merchant: American Express Seeks to Mine Its Data on Cardholder Spending Patterns", The American Banker, March 24, 1997, Section: Credit/Debit/ATMs, pg. 20.

YY

"Dispensing the Future", Electronic Payments International, May 1997, Section: Feature, pg. 12.

ZZ

"Industry Briefs", Card News, June 9, 1997, Section: Vol. 12, No. 11.

AAA

Hoeschen, Brad, "Brookfield Square hopes mall card strikes a chord", Business Journal-Milwaukee, September 12, 1997, Section: Vol. 14, No. 50, pg. 19.

BBB

Website: "NCR 7452 Workstation - Beyond Traditional POS", (<http://www.ncr.com/product/retail/products/catalog/7452.shtm>), download date: September 23, 1997.

CCC

Brochure: "NCR 7453 PC-Based Point-of-Sale Solution", Copyright 1998 NCR Corporation.

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